

THE MARKS LAW FIRM, P.C.

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May 8, 2024

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**FILED VIA ECF**

Hon. Valerie E. Caproni  
United States District Judge  
United States District Court  
40 Foley Square, Courtroom 443  
New York, NY 10007

**MEMO ENDORSED**

**RE: Kirkpatrick Dunbar v. Little Rest LLC, et al.**  
Index: 1:24-cv-00250-VEC

Dear Judge Caproni,

In accordance with Section 2(C) of your Honor's Individual Practices in Civil Cases, the parties jointly and respectfully request a sixty (60) day adjournment of the Pretrial Conference currently scheduled on **May 17, 2024** to **July 17, 2024**, as set forth in Your Honor's January 17, 2024 Notice of Initial Pretrial Conference [Dkt. 5]. The parties jointly and respectfully resubmit the instant application as all Defendants have now appeared in this action, in accordance with Your Honor's April 29, 2024 Order [Dkt. 10].

The reason for this request is that our office has engaged in substantive discussions regarding settlement of this action (including a meet and confer in accordance with Section 4 of Your Honor's Notice of Initial Pretrial Conference) with Robert Ontell (Attorney for Defendants, Little Rest LLC and 290 Elizabeth St. LLC). The parties further discussed an informal exchange of photographs and pertinent documents related to the subject Premises. To that end, the parties have made significant progress towards resolution of all claims and respectfully request an immediate referral to the SDNY Mediation Program to assist the parties towards resolution, which would also preserve this Court's time and resources.

Accordingly, the parties jointly and respectfully request a sixty (60) day adjournment of the Pretrial Conference from **May 17, 2024** to **July 17, 2024** [Dkt. 5] and will provide this Court with a joint status report within seven days from the completion of mediation. This is the second request of its kind, with the first being denied without prejudice by Your Honor on April 29, 2024 [Dkt. 10] and is being made on consent of all appearing Defendants.

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We thank you and the Court for its time and consideration.

Respectfully Submitted,

The Marks Law Firm, P.C.

By:   
Bradly G. Marks

CC: **VIA ECF PACER**  
All Parties

Application GRANTED. The Initial Pretrial Conference scheduled for Friday, May 17, 2024, at 10:00 A.M. is ADJOURNED to **Friday, July 19, 2024, at 10:00 A.M.** Defendants' time to move or answer remains stayed until the adjourned date of the Initial Pretrial Conference. The deadline for the parties to submit a joint letter containing the information in Dkt. 5 at 2 and a joint case management plan is extended from Thursday, May 9, 2024, to **Thursday, July 11, 2024.**

The Court will refer the parties to the mediation program by separate order.

SO ORDERED.



5/8/2024

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE